

BOARD OF LICENSE COMMISSIONERS

City Hall, 718 Main Street

Fitchburg MA 01420

(978) 345-9557

William A. Judge, Chairman

Robert A. Bourque

David F. Arsenault

MINUTES OF MEETING

The regular meeting of the Board of License Commissioners was held on March 19, 2007, in the Veterans Memorial Room, City Hall, Fitchburg, and called to order by Chairman William Judge at 6:05 PM. Commissioners Robert Bourque and David Arsenault were present.

I. REVIEW AND ACCEPTANCE OF MINUTES FROM THE PREVIOUS MEETING.

The minutes of the regular meeting held on March 5, 2007 were reviewed, approved and signed.

II. NEW APPLICATIONS

Cahill's Pub, 409 Main St. for One Video. (Montachusett)

Applicant not present. Tabled.

Twin City Kab (Kim and Gary Norris) for new Taxi Service License at 426 River St.

Present were Kim and Gary Norris. The Commission requested that the applicant bring in more information about the proposed business, in particular, a purchase and sale agreement from C&M Taxi from whom Mr. and Mrs. Norris state they are buying the taxi business. The Commission would also like Millie Lynch, owner of C&M Taxi to be present at the meeting. It was noted that the zoning determination letter for 426 River St. from Michael Gallant, Building Commissioner specifies that a special permit from the city council must be sought for outside storage of motor vehicles at this address. Mr. and Mrs. Norris have submitted the necessary application to the city council for the special permit. Hearing continued to April 2, 2007 3-0.

III. CONTINUED HEARINGS

Fitchburg Royal Plaza Corp. d/b/a Best Western Royal Plaza Hotel, 150 Royal Plaza Drive for Transfer of All Alcoholic Beverages Innholder license to Watermark, LLFB Inc., 150 Royal Plaza Drive.

At the request of the applicant's attorney, James Van Buren, the hearing was continued to April 18, 2007 3-0.

IV. HEARINGS

C&M Taxi, 30 Berry St. for failure of licensee to notify the License Commission of a motor vehicle accident involving a taxi vehicle: FPD Motor Vehicle Crash report #07-5972-AC.

C&M Taxi not present. The Commission was informed by Kim Norris, that Millie Lynch (her mother), owner of C&M Taxi had suffered a toe injury two hours prior and could not attend the meeting. Hearing continued to April 2, 2007 3-0.

Misty Glen Enterprises, d/b/a Charles Park Place, 19 Airport Rd. for Transfer of All Alcoholic Beverages General On Premise License to C.I. Angelozzi, LLC, d/b/a Charles Park Place, 19 Airport Rd.

Present were Mr. Larry Marshall and Mr. Robert Marshall from Misty Glen Enterprises and Mr. Corey Ingel from C.I. Angelozzi, LLC. Mr. Robert Marshall will stay on as manager of the licensed establishment. Mr. Ingel is the manager of the LLC. No one spoke in favor of or in opposition to the

transfer.

Application approved 3-0.

Regarding Outdoor Seating 2007:

Boulder Café, 880 Main St. – Present were Mr. Chris Bujold and Mr. Matthew Babineau

Wallace Civic Center & Planetarium, 1000 John Fitch Highway – Not present. A letter from Mr. Luke Conry, Manager stated that, due to construction, the Civic Center will not utilize its outside seating area this year.

The Cellar, 14 Mill St. – Present was Attorney Joseph Solomito.

Stonehaven, 350 John Fitch Highway – Present was Mr. Larry Marshall.

Paddock Lounge, 1426 Water St. – Present were Mr. Joey Brogna and Ms. Brenda Lemay.

Log Cabin, 135 Westminster St. – Present was Mr. Brian Keenan,

J.R.'s, 14 North St. – Present were Ms. Joyce Kuriger and Mr. Robert Campbell.

Outdoor seating was discussed in general as well as the Commission's intention to designate the maximum occupancy load for outdoor seating areas based on square footage. Other issues discussed pertaining to the need to limit the outside occupancy were adequate bathroom facilities for both indoor and outdoor patrons and public access to sidewalks that must remain available despite outdoor seating arrangements. Further discussion to continue. Specific establishments will be notified of designated outdoor occupancy numbers and if further clarification is necessary on other issues.

All establishments had been directed in the summons for tonight's hearing to bring in the exact square footage of their outside seating area. The following establishments complied with the request:

Boulder Café – approximately 200 sq. ft. utilizing four feet from the curb.

The Cellar – approximately 3,200 sq. ft.

Log Cabin – 20' x 20' area.

J.R.'s – 1,575 sq. ft.

Stonehaven and Paddock Lounge were verbally asked at the meeting to send in the square footage of their outdoor areas.

All establishments were verbally asked at the meeting to send in the number of toilet fixtures they have available to patrons.

The Compound, 281 Lunenburg St., Anneliese Curtis Place, Manager for Fitchburg Police Dept. reports #07-2050 and 07-2741; Alleged violation of ABCC Regulation 204-2.05: Permitting a disturbance on premise; Alleged overcrowding of premises.

Present was Ms. Anneliese Curtis and FPD Captain Mark Louney.

Captain Louney read aloud a summary of police report # 07-2050. Chairman Judge expressed concern that this event took place four days after Ms. Curtis had been summoned before the Board for other disturbances at the club.

Commissioner Bourque expressed concern that problems at the club began when the downstairs dance club was opened. He suggested that two counters be used – one for upstairs patrons and one for downstairs patrons so that an accurate occupancy count can be kept for the two distinct areas which have two distinct occupancy limits.

Ms. Curtis pointed out that she has made management changes since these disturbances occurred.

DECISION: Three days license suspension to be held in abeyance for six months.

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Regarding Failure of licensee to conduct business; Hearing as per MGL Ch. 138 Section 77.

